

**UNITED STATES DISTRICT COURT  
DISTRICT OF NEVADA**

SILVER STATE BROADCASTING, LLC; a  
Nevada LLC; ROYCE INTERNATIONAL  
BROADCASTING CORPORATION; a  
Nevada corporation; GOLDEN STATE  
BROADCASTING, LLC, a Nevada  
corporation,

Plaintiff,

v.

BEASLEY FM ACQUISITION  
CORPORATION, a Delaware corporation;  
BEASLEY BROADCASTING OF NEVADA,  
LLC, a North Carolina limited liability  
company; WAEC LICENSE LIMITED  
PARTNERSHIP; a Delaware limited  
partnership; KJUL LICENSE, LLC, a North  
Carolina limited liability company; MICHAEL  
JAY BERGNER dba BERGNER & CO., an  
individual; et al.,

Defendants.

Case No. 2:11-cv-01789-APG-CWH

**ORDER ON MOTIONS**

(Dkt. ##181, 182)

On February 12, 2015, the court granted plaintiffs' request to file a second amended complaint. (Dkt. #178.) Despite knowing that a new complaint would soon be filed, defendants filed three summary judgment motions two weeks after the court permitted leave to amend. (*See* Dkt. ##181, 182, 183.)

Plaintiffs then filed their second amended complaint in April, 2015. (*See* Dkt. #195.) About two weeks later, defendants filed two more motions addressing this new complaint—this time both for summary judgment or in the alternative to dismiss. (*See* Dkt. ##202, 203.)

Generally, courts may grant relief only as to the operative pleadings. When a party files an amended complaint, it supersedes the original complaint and renders it “without legal effect.” *Lacey v. Maricopa Cnty.*, 693 F.3d 896, 927 (9th Cir. 2012). Motions filed as to non-operative complaints are generally moot. *Chirila v. Bank of Am.*, N.A., No. 3:11-CV-00005-ECR, 2011 WL

1 4904434, at \*1 (D. Nev. Oct. 14, 2011) (refusing to rule on motion for summary judgment  
2 because the operative complaint had been dismissed).

3 Here, defendants filed two motions related to a complaint they knew would soon be  
4 rendered inoperative. Defendants do not argue that their original motions for summary judgment  
5 are still relevant. Apparently, they meant for their more recent motions to replace their older  
6 motions.

7 Because defendants' prior motions address the first amended complaint which is no longer  
8 operative, they are moot and I deny them.

9 IT IS THEREFORE ORDERED that defendants' motions for summary judgment (Dkt. ##  
10 181, 182) are DENIED.

11 DATED this 29<sup>th</sup> day of June, 2015.

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14 ANDREW P. GORDON  
15 UNITED STATES DISTRICT JUDGE  
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